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Cincinnati, OH 45201-0960  
tel 513.287.3601  
fax 513.287.3810  
jfinnigan@cinergy.com

**VIA OVERNIGHT MAIL**

September 30, 2005

Ms. Elizabeth O'Donnell  
Executive Director,  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

**John J. Finnigan, Jr.**  
Senior Counsel

RECEIVED

OCT 4 3 2005

PUBLIC SERVICE  
COMMISSION

Re: In the Matter of The Joint Application of Duke Energy Corporation, Duke Energy Holding Corp., Deer Acquisition Corp., Cougar Acquisition Corp., Cinergy Corp., The Cincinnati Gas & Electric Company, and The Union Light, Heat and Power Company for Approval of a Transfer and Acquisition of Control  
Case No. 2005-00228

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Dear Ms. O'Donnell:

Enclosed please find an original and 11 copies of the Motion for Admission *Pro Hac Vice* to admit Ronald J. Brothers and Kelley A. Karn to represent The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company and Cinergy Corp., which are being submitted to you for filing in the above-referenced case.

Please return the extra copies to me file-stamped in the enclosed self-addressed, stamped envelope.

If you have any questions, please feel free to contact me at (513) 287-3601.

Sincerely,

John J. Finnigan, Jr.

JJF/sew

Enclosures

cc: All counsel of record (w/enc.)

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

OCT 03 2005

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Joint Application of Duke Energy Corporation, )  
Deer Holding Corp., Deer Acquisition Corp., )  
Cougar Acquisition Corp., Cinergy Corp., The ) Case No. 2005-00228  
Cincinnati Gas & Electric Company, and The )  
Union Light, Heat and Power Company for )  
Approval of a Transfer and Acquisition )  
of Control )

**MOTION FOR ADMISSION PRO HAC VICE**

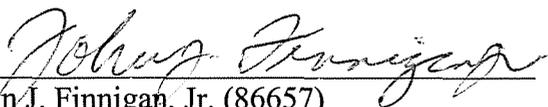
John J. Finnigan, Jr., an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Kelley A. Karn to practice law before the Commission *pro hac vice*, on behalf of The Union Light, Heat and Power Company (“ULH&P”), The Cincinnati Gas & Electric Company (“CG&E”) and Cinergy Corp., in the above-captioned proceeding.

Kelley A. Karn is Counsel employed by Cinergy Services, Inc., an affiliate company of ULH&P, CG&E and Cinergy Corp. Applicant’s business address is 1000 East Main Street, Plainfield, Indiana 46168. Further, Ms. Karn, having been admitted in 2000, is a member in good standing with the bar of the state of Indiana, Registration No. 22417-29, and has never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceeding has ever been filed against Ms. Karn, nor is any presently pending against her in any jurisdiction. In connection with this proceeding, Ms. Karn agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Ms. Karn attesting to these facts is attached hereto.

Furthermore, attached please find the original Kentucky Bar Association Out-Of-State Certification on behalf of Kelley A. Karn indicating Ms. Karn's compliance with Supreme Court Rule 3.030(2), and the attached Affidavit of Kelley A. Karn.

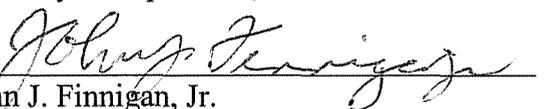
WHEREFORE, ULH&P, CG&E and Cinergy Corp., through counsel, specifically request the Commission to grant its motion to allow Kelley A. Karn to appear and practice before it in the above-entitled matter *pro hac vice*.

Respectfully submitted,

  
\_\_\_\_\_  
John J. Finnigan, Jr. (86657)  
Senior Counsel  
Cinergy Services, Inc.  
139 E. Fourth Street, 2500 Atrium II  
Cincinnati, Ohio 45201  
(513) 287-3601  
Fax (513) 287-3810  
[John.Finnigan@Cinergy.com](mailto:John.Finnigan@Cinergy.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Pro Hac Vice was served on the following parties, by first class prepaid postage, this 30th day of September, 2005.

  
\_\_\_\_\_  
John J. Finnigan, Jr.

Hon. Dennis G. Howard, II  
Acting Director  
Office of Rate Intervention  
Hon. David E. Spenard  
Assistant Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, Ky 40601  
COUNSEL FOR GREGORY D. STUMBO  
ATTORNEY GENERAL

Hon. Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 2110  
Cincinnati, Ohio 45202  
COUNSEL FOR THE KROGER CO.

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1883  
(502) 564-3795  
FAX (502) 564-3225



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President

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Vice President

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Past President

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Katherine J. Hornback  
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William H. Wilhoit

## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

COURT KY Public Service Commission

CASE NO. 2005-00228

### SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Kelley A. Karn has  
paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

Bruce K. Davis  
Executive Director

**AFFIDAVIT OF KELLEY A. KARN**

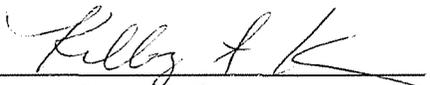
State of Indiana        )  
                                  )        SS:  
County of Hendricks )

Comes now Kelley A. Karn, Counsel, employed by Cinergy Services, Inc., an affiliate of The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company and Cinergy Corp., and does hereby attest as follows:

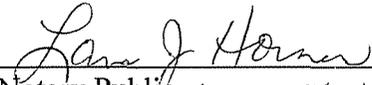
(1) I was admitted to the bar of the state of Indiana in 2000, Registration No. 22417-29, am a member in good standing with the bar of that state, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceedings have ever been filed against me, nor are presently pending against me in any jurisdiction.

(2) I agree to be subject to the rules of the Commission and the Kentucky Bar Association in connection with the proceedings before the Public Service Commission in Case No. 2005-00228.

(3) I have complied with Supreme Court Rule 3.030(2), and hereby attach a copy of the Kentucky Bar Association Out-of-State Certification provided to me.

  
\_\_\_\_\_  
Kelley A. Karn, Affiant

Sworn and subscribed before me by Kelley A. Karn on this 29<sup>th</sup> day of September 2005.

  
\_\_\_\_\_  
Notary Public LANA J HORNER

My Commission Expires: 4/19/2007

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Joint Application of Duke Energy Corporation,	)	
Deer Holding Corp., Deer Acquisition Corp.,	)	
Cougar Acquisition Corp., Cinergy Corp., The	)	Case No. 2005-00228
Cincinnati Gas & Electric Company, and The	)	
Union Light, Heat and Power Company for	)	
Approval of a Transfer and Acquisition	)	
of Control	)	

**MOTION FOR ADMISSION *PRO HAC VICE***

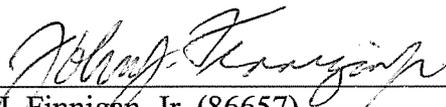
John J. Finnigan, Jr., an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Ronald J. Brothers to practice law before the Commission *pro hac vice*, on behalf of The Union Light, Heat and Power Company (“ULH&P”), The Cincinnati Gas & Electric Company (“CG&E”) and Cinergy Corp., in the above-captioned proceeding.

Ronald J. Brothers is Associate General Counsel employed by Cinergy Services, Inc., an affiliate company of ULH&P, CG&E and Cinergy Corp. Applicant’s business address is 1000 East Main Street, Plainfield, Indiana 46168. Further, Mr. Brothers, having been admitted in 1975, is a member in good standing with the bar of the state of Indiana, Registration No. 3610-49, and has never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceeding has ever been filed against Mr. Brothers, nor is any presently pending against her in any jurisdiction. In connection with this proceeding, Mr. Brothers agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Mr. Brothers attesting to these facts is attached hereto.

Furthermore, attached please find the original Kentucky Bar Association Out-Of-State Certification on behalf of Ronald J. Brothers indicating Mr. Brothers's compliance with Supreme Court Rule 3.030(2), and the attached Affidavit of Ronald J. Brothers.

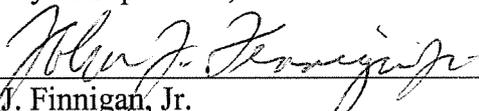
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Respectfully submitted,

  
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John J. Finnigan, Jr. (86657)  
Senior Counsel  
Cinergy Services, Inc.  
139 E. Fourth Street, 2500 Atrium II  
Cincinnati, Ohio 45201  
(513) 287-3601  
Fax (513) 287-3810  
[John.Finnigan@Cinergy.com](mailto:John.Finnigan@Cinergy.com)

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Assistant Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, Ky 40601  
COUNSEL FOR GREGORY D. STUMBO  
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36 East Seventh Street, Suite 2110  
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COURT KY Public Service Commission

CASE NO. 2005-00228

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The Kentucky Bar Association certifies that Ronald J. Brothers has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

Bruce K. Davis  
Executive Director

**AFFIDAVIT OF RONALD J. BROTHERS**

State of Indiana        )  
                                  )        SS:  
County of Hendricks )

Comes now Ronald J. Brothers, Associate General Counsel, employed by Cinergy Services, Inc., an affiliate of The Union Light, Heat and Power Company, The Cincinnati Gas & Electric Company and Cinergy Corp., and does hereby attest as follows:

(1) I was admitted to the bar of the state of Indiana in 1975, Registration No. 3610-49, am a member in good standing with the bar of that state, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceedings have ever been filed against me, nor are presently pending against me in any jurisdiction.

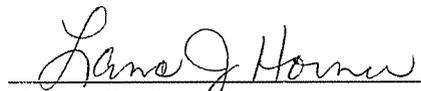
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(3) I have complied with Supreme Court Rule 3.030(2), and hereby attach a copy of the Kentucky Bar Association Out-of-State Certification provided to me.



\_\_\_\_\_  
Ronald J. Brothers, Affiant

Sworn and subscribed before me by Ronald J. Brothers on this 28<sup>th</sup> day of September 2005.



\_\_\_\_\_  
Notary Public LANA J. HORNER

My Commission Expires: 4/19/2007